

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION See paragraph 2 below

International application No.  
PCT/GB2005/001090

International filing date (day/month/year)  
22.03.2005

Priority date (day/month/year)  
24.03.2004

International Patent Classification (IPC) or both national classification and IPC  
B65D33/25, B65D75/58

Applicant  
SUPREME PLASTICS HOLDINGS LIMITED

#### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,  
 claims Nos. 80-83

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):  
 the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):  
 the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.  
 no international search report has been established for the whole application or for said claims Nos. 80-83  
 the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.  
 See separate sheet for further details

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	10-16, 27-31, 41, 43, 44, 48-51, 55, 59-66, 69-79
	No: Claims	1-9, 17-26, 32-40, 42, 45-47, 52-54, 56-58, 67, 68
Inventive step (IS)	Yes: Claims	16, 41, 43, 44, 48-51, 55, 59-66, 69-79
	No: Claims	1-15, 17-40, 42, 45-47, 52-54, 56-58, 67, 68
Industrial applicability (IA)	Yes: Claims	1-79
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V.**

1 Reference is made to the following documents:

D1: US 2003/230595 A1 (PIECHOCKI DUANE B ET AL) 18 December 2003 (2003-12-18)  
D2: US-A-5 931 582 (NICHOLS ET AL) 3 August 1999 (1999-08-03)  
D3: US-A-6 164 826 (PETKOVSEK ET AL) 26 December 2000 (2000-12-26)  
D4: EP-A-1 388 503 (P.F.M. S.P.A) 11 February 2004 (2004-02-11)  
D5: US-A-3 220 076 (AUSNIT STEVEN ET AL) 30 November 1965 (1965-11-30)

**2 INDEPENDENT CLAIM 1**

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses a container with all features according to claim 1.

**3 INDEPENDENT CLAIM 21**

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 21 is not new in the sense of Article 33(2) PCT.  
Document D2 discloses a recloseable fastener with all the features according to claim 21.

**4 INDEPENDENT CLAIM 33**

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 33 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses a recloseable fastener with all the features according to claim 33.

**5 INDEPENDENT CLAIM 47**

5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 47 is not new in the sense of Article 33(2) PCT. Document D1 discloses a web of sheet material with all the features according to claim 47.

**6 INDEPENDENT CLAIM 52**

6.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 52 is not new in the sense of Article 33(2) PCT. Document D1 discloses a method of making a container according to claim 52.

**7 INDEPENDENT CLAIM 68**

7.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 68 is not new in the sense of Article 33(2) PCT. Document D1 discloses an apparatus with all the features according to claim 68.

**8 DEPENDENT CLAIMS 2-15, 17-20, 22-32, 34-40, 42, 45, 46, 53, 54, 56-58, 67**  
Dependent claims 2-15, 17-20, 22-32, 34-40, 42, 45, 46, 53, 54, 56-58, 67 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). See documents D1-D5.

**9 DEPENDENT CLAIMS 16, 41, 43, 44, 48-51, 55, 59-66, 69-79**  
The combination of the features of dependent claims 16, 41, 43, 44, 48-51, 55, 59-66, 69-79 are neither known from, nor rendered obvious by, the available prior art.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/001090